

REMARKS

Applicant submits this Response in response to the Office Action with a notification date of January 12, 2010.

In the Office Action, the Examiner rejected claim 30 under the judicially-created doctrine of obviousness-type double patenting, objected to claims 31-32 as being dependent on claim 30, but allowable if rewritten in independent form, and confirmed the allowability of claims 24, 35 and 39-57. Applicant respectfully traverses the rejection based on the following.¹

Applicant disagrees with the Examiner's assertions with respect to claim 30 and parent patent 6,292,479. However, in the interest of obtaining grant of a patent from the present application as quickly as possible, Applicant files herewith an executed terminal disclaimer in favor of U.S. Patent 6,292,479, thus obviating the double patenting rejection. Applicant respectfully requests that the rejection of claim 30 and objections to claims 31-32 be withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

Date: **February 2, 2010**

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¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.